

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

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2008 MAR -6 P 4:48

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
LEONARD GARY PELHAM,)
)
Defendant,)

DEPT. P. L. NEELEY, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

MISC. NO. 3:08-mc-3404-MEF

MOTION FOR ORDER REQUIRING EXAMINATION
OF JUDGMENT DEBTOR

Plaintiff, United States of America, moves the Court to issue an Order requiring the Defendant, LEONARD GARY PELHAM, to appear and testify at a Judgment Debtor Examination in aid of execution under Rule 69 F.R.C.P., and in support of this Motion relies upon the Affidavit annexed hereto as Exhibit A.

LEURA G. CANARY
United States Attorney

By: 

R. RANDOLPH NEELEY
Assistant United States Attorney
Bar Number: 9083-E56R
Attorney for Defendant
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AFFIDAVIT

I, R. Randolph Neeley, having been first duly sworn, depose
and say as follows:

1. I am an Assistant United States Attorney and represent the
United States of America, Plaintiff, herein.

2. Judgment was entered on September 4, 2001 for Plaintiff
and against Defendant for the sum of \$42,047.68, together with
interest thereon from the date of Judgment, and costs.

3. Defendant, LEONARD GARY PELHAM, resides at 339 Green
Street, Shorter, Alabama 36075-4715, within the jurisdiction of
this Court.

4. The Judgment has not been satisfied, vacated, reversed, or
barred by the Statute of Limitations, and is one on which execution
may properly issue.

5. The balance due on the Judgment as of March 4 , 2008, is
\$39,356.24.

LEURA G. CANARY
United States Attorney

By: 

R. RANDOLPH NEELEY
Assistant United States Attorney
Bar Number: 9083-E56R
Attorney for Defendant
Post Office Box 197
Montgomery, AL 36101-0197
Telephone No.: (334) 223-7280
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Sworn to and subscribed before

me this 6th day of March, 2008.


NOTARY PUBLIC

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EASTERN DIVISION

UNITED STATES OF AMERICA,)
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Plaintiff,)
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v.)
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LEONARD GARY PELHAM)
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Defendant)

MISC. NO. 3:08-mc-3404-MEF

ORDER FOR APPEARANCE OF JUDGMENT DEBTOR

Plaintiff, United States of America, having moved the Court for an Order requiring the Defendant, LEONARD GARY PELHAM, to appear and testify at a Judgment Debtor Examination, and the Court being sufficiently advised,

It is ORDERED that the Motion for Order Requiring Examination of Judgment Debtor is GRANTED.

It is ORDERED that Defendant, LEONARD GARY PELHAM, appear at 10:00 a.m. on the 16th day of April, 2008, Courtroom 4B, United States Federal Courthouse, One Church Street, Montgomery, Alabama 36104, to answer questions concerning Defendant's real and personal property.

It is further ORDERED that Defendant bring the following documents:

1. Copies of personal and business income tax returns for the years 2004, 2005, 2006, and 2007.

2. Copies of all personal and business bank statements for the years 2006, 2007, and 2008.

3. Record of any safety deposit box in your name or that of your spouse.

4. Copy of title or deed of personal residence if owned by you or any member of your family. If not, a copy of proof of ownership by unrelated party.

5. Copy of title or license of automobiles, airplanes, motorcycles and boats owned or driven by you or your spouse.

DEFENDANT, LEONARD GARY PELHAM, IS HEREBY ADVISED THAT FAILURE TO APPEAR AT THE TIME AND LOCATION SET FORTH ABOVE MAY RESULT IN A BENCH WARRANT BEING ISSUED FOR DEFENDANT'S ARREST. A COPY OF THIS ORDER, TOGETHER WITH COPIES OF PLAINTIFF'S MOTION AND AFFIDAVIT, SHALL BE SERVED UPON DEFENDANT FORTHWITH.

DATED this _____ day of _____, 2008.

UNITED STATES MAGISTRATE JUDGE